

Formal Objection to Planning Application ABP-323780 (Ballinlee Wind Farm)

Submitted by:
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An Coimisiún Pleanála,
64 Marlborough Street,
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Date: 16/11/2025

Re: 10- year planning permission for Ballinlee Wind Farm consisting of 17 no. wind turbines a permanent 110KV substation, underground electric cabling systems between the wind farm site and connection point at existing Killonan 220/110KV substation and ancillary development.

To whom it concerns,

We, Kate Hayes and Colum McCarthy, wish to formally object to the above planning application submitted to An Bord Pleanála in relation to the Ballinlee Wind Farm development. Our objection specifically concerns the Grid Connection Route and specifically Appendix 2D Grid Connection Route Report (GCRR), which is a key component of the Environmental Impact Assessment Report (EIAR). After reviewing the document in detail, we have identified several substantive weaknesses and omissions which render the report inadequate for environmental and planning assessment purposes.

Grounds for Objection

1. Grid Connection Route and Legal Non-Compliance

We, as beneficial owners of the lands referenced under folio number LK64156F, expressly withhold consent for any excavation, ducting, or road opening adjacent to our property on Road R511. No consultation has occurred, and any such works would constitute trespass, as ownership extends to the midpoint of the road unless lawfully acquired by a local authority (*Holland v Dublin County Council* [1979] 113 ILTR). A road opening licence under the Roads Act 1993 does not confer property rights or any interest in the soil (*Daly v Kilronan Wind Farm Ltd* [2017] IEHC 308). The applicant lacks statutory authority to undertake these works; only statutory bodies such as ESB may acquire rights through Compulsory Purchase Orders under the Planning and Development Act 2000–2024, Sections 212–214 and Section 409. Furthermore, as this project forms part of a government energy programme, it is subject to the SEA Directive (Directive 2001/42/EC), requiring a Strategic Environmental Assessment and public participation under Article 6 prior to approval. In light of these legal and procedural deficiencies, we submit that permission should be refused.

2. Failing in Public Notice regarding the Grid Connection Route

The published notices (see attachment A site notice and attachment B newspaper advert) do refer to the underground electric cable connection between the wind farm and the Killonan 220/110 kV sub-station, however it fails to provide a sufficiently detailed description of the route alignment or corridor of this cable. Neither the advert nor the site notice outlines the detailed route alignment for the 27.6 km underground cable from the wind-farm site to the substation (i.e., specific roads, townlands, route map). They provide a generic reference to the connection cable but no breakdown of the corridor, trenching works or public road sections.

Given the considerable length (27.6 km) of the grid connection and the large number of townlands, roads and landowners affected, the lack of specific route information in the published notices means that persons with interests along the route have not been adequately informed. This omission fails on the requirement under Regulation 21 of S.I. No. 685/2006 for the notice to include the “location ... and the nature and extent of the proposed development” which is sufficient to enable a reasonably interested member of the public to assess whether their property or interests may be affected and therefore undermines the objective of effective public participation in the planning process.”

3. Lack of Stakeholder and Community Consultation on the Grid Connection Route

While the applicant's documentation (*Appendix 1B – Stakeholder Consultation and Responses* and *Appendix 1C – Community Engagement Report*) describes consultation activities related to the proposed Ballinlee Wind Farm, there is no evidence of any meaningful or route-specific engagement concerning the 27.6-kilometre grid connection corridor between the wind farm site and the Killonan substation.

The Community Engagement Report confines all outreach letters, surveys, door-to-door visits, and community clinics to properties located within one kilometre of the turbine site only. No effort is documented to identify, notify, or consult residents, landowners, or community organisations situated along the grid connection route, despite the fact that this element of the project will involve extensive trenching, HDD crossings of rivers, and prolonged works on the public road network.

Similarly, although statutory consultees such as Inland Fisheries Ireland, Uisce Éireann, and the Department of Housing were contacted at the pre-planning stage, their correspondence addressed the wind farm development rather than the specific environmental and social impacts of the off-site grid infrastructure. There is no record of consultation with directly affected property owners or local representative bodies along the cable alignment.

This omission constitutes a serious procedural deficiency in the consultation process and a failure to comply with Article 6 of the EIA Directive (2014/52/EU) and An Bord Pleanála's guidance on Strategic Infrastructure Development, both of which require early, effective, and inclusive public participation in respect of **all components** of a proposed development. As the grid connection is an integral part of the project, the absence of direct consultation with affected communities renders the application incomplete, undermines the credibility of the applicant's claim of "meaningful engagement. We therefore submit that permission should be refused.

4. Insufficient Detail and Uncertain Design of the Grid Connection Route

The report repeatedly defers critical technical details to post-planning or "detailed design" stages, including trench design, horizontal directional drilling methods, joint bay locations, and construction methodologies. This approach prevents meaningful evaluation by the public and statutory consultees and is inconsistent with An Bord Pleanála's procedural requirements for Strategic Infrastructure Development applications.

5. Legal and Procedural Non-Compliance relating to the Grid Connection Route

By treating the grid connection as a standalone element and omitting detailed cumulative assessments, the EIAR fails to comply with the requirements of the EIA Directive and

established Irish case law. Consequently, the planning authority cannot lawfully determine the full environmental effects of the project in its entirety.

6. Inadequate Environmental Assessment of the Grid Connection Route

The GCRR fails to provide a complete and integrated assessment of the environmental effects of the proposed 27.6 km grid connection route. The report treats the grid connection as a separate element rather than as an integral component of the wind farm project, contrary to the EIA Directive (2014/52/EU) and relevant case law (*O’Grianna v. An Bord Pleanála* [2014] IEHC 632). There is no cumulative assessment of soil disturbance, habitat loss, hydrological alteration, or construction emissions.

7. Incomplete Ecological and Hydrological Analysis of the Grid Connection Route

The ecological assessment relies solely on desktop data without field surveys along much of the route. Similarly, the hydrological evaluation does not include flood risk analysis, sediment control measures, or any assessment of potential effects on nearby rivers or designated conservation sites. Statements that consultation “will be carried out” are not a substitute for actual assessment or mitigation.

The proposed grid connection route for the Ballinlee Wind Farm raises significant concerns in relation to the Natura 2000 network. While the application includes a Natura Impact Statement (NIS), the documentation does not provide sufficient detail regarding the specific sites potentially affected by the 27.6 km grid connection route, nor the hydrological and ecological links between the route and these sites. The route crosses multiple watercourses, including the Camoge River and associated drainage channels, creating potential risks of sedimentation, pollution, and habitat disturbance, which could impact designated habitats and species. There is also a lack of clarity on whether route alternatives were rigorously assessed to avoid or minimize effects on Natura 2000 sites, and whether cumulative or in-combination effects with other developments have been fully considered. The NIS and Environmental Impact Assessment appear focused primarily on the turbine site itself, leaving a gap in the assessment of the grid route’s potential adverse effects on the integrity of nearby sites. This represents a critical omission that undermines confidence that all statutory obligations under the Habitats Directive and Irish planning law have been adequately addressed.

8. Archaeological and Heritage Concerns on the Grid Connection Route

The archaeological review is limited to a single desktop study and meeting. No field

testing, trial trenching, or geophysical survey has been conducted, despite the proximity of the route to known heritage areas including Lough Gur and Grange Stone circle. This lack of on-site investigation renders the report inadequate and conclusions invalid.

9. Road Safety and Construction Impacts along the Grid Connection Route

The grid connection involves extensive trenching along public roads, including sections of the L1412, R512, L1170 and N24. However, no traffic management plan or reinstatement strategy is provided. The omission of a traffic and transport impact assessment is a serious deficiency given the potential disruption to road users, residents, and emergency access.

10. Inadequate Emergency Response Planning and Statutory Consultation regarding the Grid Connection Route and full application

An 'Emergency Response Plan' is included in Appendix 2A (CEMP) of the application documentation, however the Emergency Response Plan (EMP-12) does not clearly demonstrate that this plan extends to or adequately covers the grid-connection route (underground cable corridor and public roadworks) of the proposed development. Given the length of the corridor, the number of third-party roads and landowners involved, and the potential for incidents such as trench collapse, cable fault, or road closure, the absence of a route-specific emergency plan undermines confidence in the applicant's preparedness for off-site risks.

Moreover the planning application for the Ballinlee Wind Farm site itself and grid connection demonstrates a significant shortcoming in its pre-planning consultation process overall, specifically regarding emergency services. This is the context of multiple examples of turbine malfunction on recent times. Under Irish planning law (Planning and Development Act 2000, as amended) and An Bord Pleanála guidance, statutory consultees, including relevant emergency services, are expected to be engaged during the pre-application stage for developments of this scale and risk. Given that this project constitutes a high-risk, large-scale energy development with industrial and potentially hazardous elements, early consultation with local fire, ambulance, and civil protection services is essential to ensure public safety, adequate emergency access, and effective traffic and hazard management. The absence of documented engagement with these emergency services in the pre-planning phase represents a failure to adhere to statutory and best practice requirements.

Furthermore, while the submitted Construction and Environmental Management Plan (CEMP) and Traffic Management Plan make procedural reference to liaising with emergency services during construction, they do not constitute genuine pre-planning consultation, nor do they provide assurance that emergency response protocols were considered in the planning and design of the project. This omission raises serious concerns regarding the adequacy of emergency preparedness and the protection of both workers and the surrounding community. It also raises concerns in relation to the applicants approach to public safety.

Conclusions

1. In light of the substantive deficiencies identified above with Grid Connection Route Report (Appendix 2D) which is evidenced herein to be inadequate for Environmental Impact Assessment purposes, as it fails to provide route-specific ecological, hydrological, archaeological, and traffic impact analysis and therefore fails to demonstrate that the proposed grid connection route is environmentally acceptable or technically sound. For these reasons, we submit this formal objection and considerately request that An Bord Pleanála refuse the proposal.
2. The applicant has clearly not addressed all statutory obligations under the Planning and Development Act 2000–2024, the EIA Directive (2014/52/EU), the SEA Directive (2001/42/EC), and the Habitats Directive (92/43/EEC), including cumulative impact analysis and meaningful public participation in relation to the grid route connection. For these reasons, we submit this formal objection and respectfully request that An Bord Pleanála refuse the proposal.
3. Finally, there is no evidence of any consultation with affected landowners, statutory bodies, and emergency services regarding the grid connection route, in compliance with Article 6 of the EIA Directive and An Bord Pleanála's Strategic Infrastructure Development guidelines. On the grounds of legal non-compliance and failure to ensure public safety and participation, we submit this formal objection and request that An Bord Pleanála refuse the proposal.

Sincerely,

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